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6 Attorneys for Defendant and Counterclaimant  
7 INDYMAC VENTURE, LLC

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 EDEN GARDEN, LLC, a California  
limited liability company; ALI K.  
11 AMIDY, an individual; GUITI  
NAHAVANDI AMIDY, an individual;  
12 CENTRA NET INVESTMENT LLC, a  
California limited liability company,

13 Plaintiffs,

14 v.

15 INDY MAC VENTURE, LLC, a limited  
16 liability company; FEDERAL DEPOSIT  
INSURANCE CORPORATION, as  
17 Conservator of IndyMac Federal Bank,  
FSB, and Does 1 through 10,

18 Defendants.

19  
20 INDYMAC VENTURE, LLC, a limited  
liability company,

21 Counterclaimant,

22 v.

23 ALI K. AMIDY, an individual; GUITI  
24 NAHAVANDI AMIDY, an individual;  
CENTRA NET INVESTMENT LLC, a  
25 California limited liability company,

26 Counterdefendants.  
27  
28

Case No. CV11-02356-JF

**[PROPOSED] ORDER GRANTING  
DEFENDANT INDYMAC VENTURE,  
LLC'S MOTION TO EXPUNGE LIS  
PENDENS**

*[Filed concurrently with Motion to  
Expunge Lis Pendens; Memorandum of  
Points and Authorities, Declarations of  
Alisha Ashikyan and Nicholas Shantar  
and Request for Judicial Notice in  
Support of Motion to Expunge]*

Date: August 5, 2011  
Time: 9:00 a.m.  
Ct rm: 3, Fifth Floor

Complaint Filed: May 13, 2011

1 The Motion of Defendant and Cross-complainant Indymac Venture, LLC  
 2 ("IMV") for an order expunging the Notice of Pendency of Action ("*Lis Pendens*")  
 3 filed by Plaintiffs Eden Garden, LLC, Ali K. Amidi, Guiti N. Amidy, and Centra  
 4 Net Investment LLC (collectively, "Plaintiffs") came on regularly for hearing by the  
 5 Court on this date.

6 On proof made to the satisfaction of the Court, the Court finds that:

7 1. The Complaint on which the *Lis Pendens* is based does not contain a  
 8 real property claim, in that none of Plaintiffs' claims, if successful, would "affect  
 9 title to" the property described in the *Lis Pendens*; and

10 2. Plaintiffs have not established by a preponderance of the evidence the  
 11 profitable validity of any of their claims.

12 Accordingly, IT IS HEREBY ORDERED that IMV's Motion is granted. The  
 13 *Lis Pendens*, recorded on January 20, 2011 as Document Number 21054819 of the  
 14 Official Records of the County of Santa Clara, California, concerning the real  
 15 property described in the *Lis Pendens* as "Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
 16 14, 15, 16, 17, 18, and 19, as shown upon that certain map entitled 'Tract No. 9484'  
 17 and filed June 16, 2005 in Book 787 of Maps, at Page 42, in the County of Santa  
 18 Clara, State of California (APNs: 455-52-036 through 053)" is hereby expunged.

19 IT IS FURTHER ORDERED that Plaintiffs pay to IMV within 30 days of this  
 20 order the sum of \$\_\_\_\_\_ as reasonable attorneys' fees and costs incurred in  
 21 connection with the Motion.

22  
 23 Dated: \_\_\_\_\_

24  
 25  
 26 \_\_\_\_\_  
 27 Hon. Jeremy Fogel  
 28 Judge of the United States  
 District Court

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that: I am over the age of eighteen (18) and not a party to the within action. I am employed in the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP, 1900 Main Street, Fifth Floor, Irvine, California 92614-7321.

On June 22, 2011, I used the Northern District of California's Electronic Case Filing System, with the ECF registered to Nicholas S. Shantar to file the following document:

**[PROPOSED] ORDER GRANTING DEFENDANT INDYMAC VENTURE, LLC'S MOTION TO EXPUNGE LIS PENDENS**

The ECF system is designed to send an e-mail message to all parties in the case, which constitutes service. The parties by e-mail in this case are found on the Court's Electronic Mail Notice List.

Notice has been given via First Class U.S. Mail to:

W. Kenneth Howard, Esq.  
Attorney At Law  
116 East Campbell Avenue, Suite 7  
Campbell, California 95008  
Phone: (408) 379-1904  
Fax: (408) 379-1902

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 22, 2011, at Irvine, California.

By: /s/Nicholas S. Shantar  
NICHOLAS S. SHANTAR